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#5  
PATENT  
Attorney Docket No.: 020366-077210

Assistant Commissioner for Patents  
U. S. Patent and Trademark Office  
Washington, D.C. 20231

**COPY OF PAPERS  
ORIGINALLY FILED**

On 11/10/02

TOWNSEND and TOWNSEND and CREW LLP

By: Don Mix

Don Mixon

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Richard Cerami, et al.

Application No.: 09/921,282

Filed: August 1, 2001

For: MANAGEMENT OF VIRTUAL  
AND PHYSICAL NETWORK  
INVENTORIES

Examiner: Unassigned

Art Unit: 2161

PETITION UNDER 37 C.F.R. §1.47(a)

Assistant Commissioner for Patents  
U. S. Patent and Trademark Office  
Washington, D.C. 20231

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**MAR 07 2002**

**OFFICE OF PETITIONS**

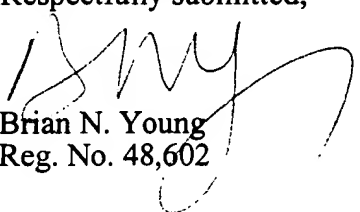
Dear Sir:

Applicants respectfully petition for filing under 1.47(a) for the above-referenced case. Signed Declarations and Assignments are being filed from two of the three joint inventors for this case. The second inventor, Mr. Timothy Figueroa, could not be reached after diligent efforts. The Declarations of Brian N. Young and Chad Hilyard which include proof of the pertinent facts and the last known address of the non-signing inventor, are provided herewith in support of this Petition.

This application is made by the other two inventors on behalf of the non-signing inventor, Mr. Timothy Figueroa. The commissioner is authorized to charge the fee set forth in 37 CFR § 1.17(i) (\$130.00) to the undersigned's Deposit Account No. 20-1430.

Please charge any additional fees or credit overpayment to the above deposit account. This petition is submitted in triplicate.

Respectfully submitted,

  
Brian N. Young  
Reg. No. 48,602

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300

BNY/dxm

SF 1306404 v1



TOWNSEND  
and  
TOWNSEND  
and  
CREW

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Direct: 415-273-7512  
bnyoung@townsend.com

September 27, 2001

VIA FEDEX

**REMINDER** sent 11/01/01

Richard S. Cerami  
1475 Lawrence Street, #400  
Denver, CO 80202

Timothy Figueroa  
15231 East Hialeah Place  
Aurora, CO 80015  
4753 4508 5436

Roxanna Storaasli  
1475 Lawrence Street, 4th Floor  
Denver, CO 80202

Re: US Patent Application No. 09/921,282  
For: MANAGEMENT OF VIRTUAL AND PHYSICAL  
NETWORK INVENTORIES  
Inventors: Richard S. Cerami, Timothy Figueroa, Roxanna  
Storaasli  
Filed: August 1, 2001  
Our File No.: 020366-077210US

Dear Sirs/Madam:

Enclosed with each letter to the above-referenced inventors is a copy of the subject patent application as filed with the U.S. Patent and Trademark Office on August 1, 2001. All information concerning this application should be kept confidential.

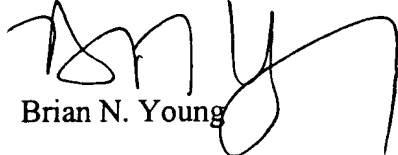
Because this application was filed without a signed Declaration, it is now required that we file the following executed documents with the U.S. Patent Office to complete the filing formalities.

- (1) Declaration to be signed and dated by each inventor.
- (2) Assignment to also be signed and dated by each inventor. Please note that the Assignment should be signed before a notary. On the first page of the Assignment, include the date the Declaration is/was executed.

Once the above documents have been executed, please return all of them to us so that we can file them with the U.S. Patent and Trademark Office. The deadline for filing the formal documents with the USPTO is **November 10, 2001**.

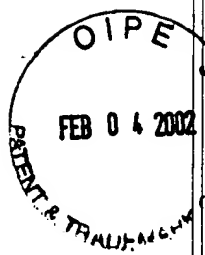
If you have any questions about the completion of these documents, please do not hesitate to contact me at the above telephone number or email address.

Very truly yours,

A handwritten signature in black ink, appearing to read 'BNY', with a long horizontal stroke extending to the right.

Brian N. Young

BNY/l  
Enclosures (3)



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Assistant Commissioner for Patents  
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On 1/10/02

TOWNSEND and TOWNSEND and CREW LLP

By: Dan Muri

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Richard Cerami, et al.

Application No.: 09/921,282

Filed: August 1, 2001

For: MANAGEMENT OF VIRTUAL  
AND PHYSICAL NETWORK  
INVENTORIES

Examiner: Unassigned

Art Unit: 2161

DECLARATION OF CHAD S. HILYARD  
IN SUPPORT OF PETITION UNDER 37  
C.F.R. §1.47(a)

Assistant Commissioner for Patents  
Washington, D.C. 20231

I, Chad S. Hilyard, am an attorney at Townsend and Townsend and Crew LLP, representing Qwest Communications International Inc. ("Qwest") in the above-referenced patent application along with Brian N. Young ("Brian"). In addition to Brian's efforts, I also have made diligent efforts to contact Mr. Timothy Figueroa, an inventor for the above-referenced case and previously an employee of Qwest.

On or about November 6, 2001, Brian contacted me and asked me to call Mr. Figueroa, because he had not responded to Brian's letter requesting him to review the patent application and execute the declaration and assignment documents.

Between about November 10, 2001 and December 10, 2001, I called Mr. Figueroa at his work phone number (720-535-7700) at least four times and spoke to him at least three times. The first two times I spoke with Mr. Figueroa, he was very evasive. Specifically, he was hesitant to talk to me, but indicated that he had the declaration and assignment documents

at home, and requested that I call him back in a couple of days, which I did. On December 10, 2001, the last time I spoke with Mr. Figueroa, he indicated that he would not sign and return the declaration and assignment documents. Then, he hung-up on me.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent resulting therefrom, declare that I am authorized to execute this instrument on behalf of applicants; all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

Date: 1/4/2002

Chad S. Hilyard

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300

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TOWNSEND and TOWNSEND and CREW LLP

By: Don Mue

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Richard Cerami, et al.

Application No.: 09/921,282

Filed: August 1, 2001

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Examiner: Unassigned

Art Unit: 2161

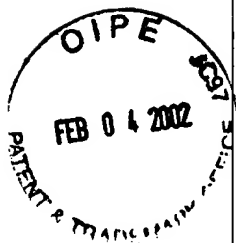
DECLARATION OF BRIAN N. YOUNG  
IN SUPPORT OF PETITION UNDER 37  
C.F.R. §1.47(a)

Assistant Commissioner for Patents  
Washington, D.C. 20231

I, Brian N. Young, am an attorney at Townsend and Townsend and Crew LLP, representing Qwest Communications International Inc. ("Qwest") in the above-referenced patent application. I have made diligent efforts to contact Mr. Timothy Figueroa, an inventor for the above-referenced case and previously an employee of Qwest.

On August 1, 2001, the above-referenced patent application was filed by Qwest with missing parts. On September 10, 2001, a Notice to File Missing Parts from the U.S. Patent Office was mailed to our office.

Therefore, I prepared the declaration and assignment documents for the above-referenced patent application and forwarded them to all the inventors (including Mr. Timothy Figueroa), along with the patent application as filed and a cover letter instructing them to review the application and execute the documents on September 27, 2001. A copy of the cover letter is attached as **Exhibit A**, the cover letter shows Mr. Figueroa's last known address,



which is 15231 East Hialeah Place, Aurora, Colorado 80015. A reminder was mailed by Federal Express November 1, 2001. A copy of the Federal Express label receipt is attached hereto as **Exhibit B**.

The Federal Express Package was signed by L. Figueroa on November 2, 2001, we believe Mr. Figueroa received the documents, as shown in the declaration of Chad Hilyard, Mr. Figueroa was contacted at the address and has not signed the declaration and assignment documents.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent resulting therefrom, declare that I am authorized to execute this instrument on behalf of applicants; all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

Date: \_\_\_\_\_

1/10/02

  
\_\_\_\_\_  
Brian N. Young

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, California 94111-3834  
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